

Exhibit E

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

11 COLUMBIA FALLS ALUMINUM COMPANY, LLC,)
12 vs.) Plaintiff,) No. CV 18-131-M-DWM
13 ATLANTIC RICHFIELD COMPANY,)) **VOLUME 2 of 7**
14) Defendant.)) **TRANSCRIPT OF**
)) **BENCH TRIAL**

16 BEFORE THE HONORABLE DONALD W. MOLLOY
17 UNITED STATES DISTRICT COURT JUDGE
FOR THE DISTRICT OF MONTANA

Proceedings recorded by machine shorthand
Transcript produced by computer-assisted transcription

BATSON CROSS-EXAMINATION BY RAUCHWAY

1 would have an 8.2 percent share.

2 Q And if somehow no maintenance risk were applied to the
3 wet scrubber sludge pond, what would ARCO's share of the
4 groundwater be?

5 A It would shift the results so that, in fact, since there
6 was -- given the new calculations of those results, it would
7 shift the ultimate share of the parties to 100 percent ARCO
8 and CFAC zero percent. Actually it would create the same
9 situation we had previously with some of the landfills of 103
10 versus minus 3, but I would normalize that, should the Court
11 want to accept that fact, at 100 percent and zero percent,
12 respectively.

13 Q But you would not recommend that?

14 A I don't believe the facts meet that particular demand,
15 require that be done.

16 MR. LAUER: Okay. Thank you.

17 We pass the witness.

18 THE COURT: Cross-examination, Mr. Rauchway?

19 MR. RAUCHWAY: Yes, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. RAUCHWAY:

22 Q Mr. Batson, Mr. Lauer began his examination by asking you
23 about the Passaic River site. Do you recall that?

24 A I do.

25 Q And he asked you some questions to raise the inference

BATSON CROSS-EXAMINATION BY RAUCHWAY

1 that ARCO had consented to your expertise in that case. There
2 are well over a hundred PRPs at that site, aren't there?

3 A There are.

4 Q And there's one PRP, not ARCO, that's a 99 percent PRP;
5 isn't that true?

6 A One that is a listed PRP that's not participating in that
7 allocation process, yes.

8 Q And ARCO is part of a large group of other PRPs who
9 are -- have shares of that remaining 1 percent; isn't that
10 true?

11 A Not to go into the details of percentages as it was
12 finally calculated since that is still a matter of settlement
13 between the parties and I believe inappropriate to discuss, I
14 will say that there was a group of participating parties that
15 are, you know, are together, responsible for whatever the
16 delta is, vis-a-vis the parties that are not participating.

17 Q ARCO was a very small decimal percentage PRP at that
18 site?

19 A All of the parties at this site but for the one party,
20 including ARCO, are small; could potentially be small
21 percentage parties here, yes. I mean, that's the reality of
22 the site.

23 Q Also, in reviewing your qualifications, Mr. Lauer walked
24 you through some of the many allocations that you've done
25 throughout your career, didn't he?

1 VOLUME 2 REPORTER'S CERTIFICATE

2 I, JoAnn Jett Corson, a Registered Diplomate
3 Reporter and Certified Realtime Reporter, certify that the
4 foregoing transcript is a true and correct record of the
5 proceedings given at the time and place hereinbefore
6 mentioned; that the proceedings were reported by me in machine
7 shorthand and thereafter reduced to typewriting using
8 computer-assisted transcription; that after being reduced to
9 typewriting, a certified copy of this transcript will be filed
10 electronically with the Court.

11 I further certify that I am not attorney for, nor
12 employed by, nor related to any of the parties or attorneys to
13 this action, nor financially interested in this action.

14 IN WITNESS WHEREOF, I have set my hand at Missoula,
15 Montana this 14th day of October, 2021.

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17 /s/ JoAnn Jett Corson

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19 JoAnn Jett Corson
20 United States Court Reporter
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